

ASSEMBLY BILL

No. 130

Introduced by Assembly Member Campbell

January 15, 2003

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 130, as introduced, Campbell. Department of Motor Vehicles: records.

(1) Existing law makes confidential the home address of any of a list of state and federal officers and employees and the spouse or child of that officer or employee that appears in the Department of Motor Vehicles records, if the officer or employee requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. A violation of the confidentiality requirement is a crime.

This bill would add to that list each Senator and Representative from California in the Congress of the United States. This bill, by adding persons to be covered by those confidentiality requirements, would expand the scope of a crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
2 to read:
3 1808.4. (a) The home address of any of the following
4 persons, that appears in any record of the department, is
5 confidential, if the person requests the confidentiality of that
6 information:
7 (1) Attorney General.
8 (2) State public defender.
9 (3) Members of the Legislature.
10 (4) Judges or court commissioners.
11 (5) District attorneys.
12 (6) Public defenders.
13 (7) Attorneys employed by the Department of Justice, the
14 office of the State Public Defender, or a county office of the district
15 attorney or public defender.
16 (8) City attorneys and attorneys who submit verification from
17 their public employer that they represent the city in matters that
18 routinely place them in personal contact with persons under
19 investigation for, charged with, or convicted of, committing
20 criminal acts, if those attorneys are employed by city attorneys.
21 (9) Nonsworn police dispatchers.
22 (10) Child abuse investigators or social workers, working in
23 child protective services within a social services department.
24 (11) Active or retired peace officers, as defined in Chapter 4.5
25 (commencing with Section 830) of Title 3 of Part 2 of the Penal
26 Code.
27 (12) Employees of the Department of Corrections, the
28 Department of the Youth Authority, or the Prison Industry
29 Authority specified in Sections 20403 and 20405 of the
30 Government Code.
31 (13) Nonsworn employees of a city police department, a
32 county sheriff's office, the Department of the California Highway
33 Patrol, federal, state, and local detention facilities, and local
34 juvenile halls, camps, ranches, and homes, who submit agency
35 verification that, in the normal course of their employment, they



1 control or supervise inmates or are required to have a prisoner in
2 their care or custody.

3 (14) County counsels assigned to child abuse cases.

4 (15) Investigators employed by the Department of Justice, a
5 county district attorney, or a county public defender.

6 (16) Members of a city council.

7 (17) Members of a board of supervisors.

8 (18) Federal prosecutors and criminal investigators and
9 National Park Service Rangers working in this state.

10 (19) Any active or retired city enforcement officer engaged in
11 the enforcement of the Vehicle Code or municipal parking
12 ordinances.

13 (20) Any employee of a trial court.

14 (21) Any psychiatric social worker employed by a county.

15 (22) Any police or sheriff department employee designated by
16 the Chief of Police of the department or the sheriff of the county
17 as being in a sensitive position. Any designation pursuant to this
18 paragraph shall, for purposes of this section, remain in effect for
19 three years subject to additional designations that, for purposes of
20 this section, shall remain in effect for additional three-year
21 periods.

22 (23) State employees in the following classifications:

23 (A) Licensing Registration Examiner, Department of Motor
24 Vehicles.

25 (B) Motor Carrier Specialist 1, California Highway Patrol.

26 (C) Museum Security Officer and Supervising Museum
27 Security Officer.

28 (24) *Senators and Representatives from California in the*
29 *Congress of the United States.*

30 (25) (A) The spouse or child of any person listed in paragraphs
31 (1) to ~~(23)~~ (24), inclusive, regardless of the spouse's or child's
32 place of residence.

33 (B) The surviving spouse or child of a peace officer, as defined
34 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
35 2 of the Penal Code, if the peace officer died in the line of duty.

36 (b) The confidential home address of any of the persons listed
37 in subdivision (a) shall not be disclosed to any person, except for
38 any of the following:

39 (1) A court.

40 (2) A law enforcement agency.

1 (3) The State Board of Equalization.

2 (4) An attorney in a civil or criminal action that demonstrates
3 to a court the need for the home address, if the disclosure is made
4 pursuant to a subpoena.

5 (5) Any governmental agency to which, under any provision of
6 law, information is required to be furnished from records
7 maintained by the department.

8 (c) Any record of the department containing a confidential
9 home address shall be open to public inspection, as provided in
10 Section 1808, if the address is completely obliterated or otherwise
11 removed from the record. The home address shall be withheld
12 from public inspection for three years following termination of
13 office or employment except with respect to retired peace officers,
14 whose home addresses shall be withheld from public inspection
15 permanently upon request of confidentiality at the time the
16 information would otherwise be opened. The home address of the
17 surviving spouse or child listed in subparagraph (B) of paragraph
18 ~~(24)~~ (25) of subdivision (a) shall be withheld from public
19 inspection for three years following the death of the peace officer.
20 The department shall inform any person who requests a
21 confidential home address what agency the individual whose
22 address was requested is employed by or the court at which the
23 judge or court commissioner presides.

24 (d) A violation of subdivision (a) by the disclosure of the
25 confidential home address of a peace officer, as specified in
26 paragraph (11) of subdivision (a), a nonsworn employee of the city
27 police department or county sheriff's office, or the spouses or
28 children of these persons, including, but not limited to, the
29 surviving spouse or child listed in subparagraph (B) of paragraph
30 ~~(24)~~ (25) of subdivision (a), that results in bodily injury to the
31 peace officer, employee of the city police department or county
32 sheriff's office, or the spouses or children of these persons is a
33 felony.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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